

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DAVID GAMBOA, MARK MORGAN

vs.

XTO ENERGY, INC.

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NO: SA:21-CV-00387-OLG

RULE 41 JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiffs and Defendants, by and through their undersigned counsel, hereby stipulate the claims of David Gamboa and Mark Morgan may be dismissed in their entirety without prejudice, with the parties to bear their own costs and attorneys' fees. For purposes of arbitration only, Mr. Gamboa's claims shall be tolled from April 15, 2021 (the date he filed his Complaint in this action) through the date of any subsequent re-filing of his claims through arbitration and Mr. Morgan's claims shall be tolled from April 16, 2021 (the date he filed his Notice of Consent to join in this action) through the date of any subsequent re-filing of his claims through arbitration. The dismissals shall be effective upon filing of this joint stipulation.

Respectfully submitted,

/s/ Andrew W. Dunlap

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all parties and/or their counsel of record via the Court's CM/ECF electronic filing system on December 6, 2021.

/s/ William R. Liles

William R. Liles